

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

6

Application Number

10/712,696

Filing Date

November 12, 2003

First Named Inventor

Unger

Art Unit

2613

Examiner Name

Vu Lee

Attorney Docket Number

81097/7114

**ENCLOSURES** (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/  
Incomplete ApplicationReply to Missing Parts  
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a  
Provisional ApplicationPower of Attorney, Revocation  
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_

☐ Landscape Table on CD

Remarks



After Allowance Communication to TC

Appeal Communication to Board  
of Appeals and InterferencesAppeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify  
below):Request for Certificate of Correction;  
Certificate of Correction; and  
Return Receipt Postcard**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

FITCH EVEN TABIN &amp; FLANNERY

Signature

Printed name

Steven M. Freeland

Date

7-20-06

Reg. No.

42,555

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Steven M. Freeland

Date

7-20-06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

PTO  
JUL 24 2006  
PATENT & TRADEMARK OFFICE

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL

## For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 100.00

### Complete if Known

Application Number 10/712,696  
Filing Date November 12, 2003  
First Named Inventor Unger  
Examiner Name Vu Lee  
Art Unit 2613  
Attorney Docket No. 81097/7114

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 06-1135 Deposit Account Name: Fitch, Even, Tabin & Flannery

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

#### 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
<b>Total Claims</b>		
Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=
HP = highest number of total claims paid for, if greater than 20.		
<b>Indep. Claims</b>		
Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=
HP = highest number of independent claims paid for, if greater than 3.		

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x = Fee Paid (\$)

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

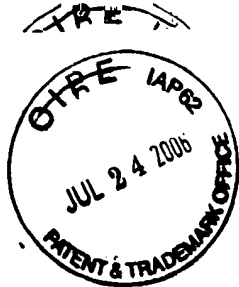
Other (e.g., late filing surcharge): Certificate of Correction 100.00

#### SUBMITTED BY

Signature *Steven M. Freeland* Registration No. (Attorney/Agent) 42,555 Telephone (858) 552-1311  
Name (Print/Type) Steven M. Freeland Date 7-20-06

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Docket No. 81097/7114

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

U.S. Patent No.: 7,016,409  
Issued: March 21, 2006  
Appln. No.: 10/712,696  
Applicant(s): Unger  
Filed: November 12, 2003  
Group Art Unit: 2613  
Examiner: Vu Le  
Docket No. 81097/7114  
Customer No.: 37123  
Confirm. No.: 9238

**Certificate of Transmission/Mailing**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: CERTIFICATE OF CORRECTIONS BRANCH, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or electronically submitted on the date shown below:

7-20-06 *ft m. z*  
Date Steven M. Freeland  
Registration No. 42,555  
Attorney for Applicant(s)

**REQUEST FOR CERTIFICATE OF CORRECTION  
PURSUANT TO 37 C.F.R. 1.323**

ATTN: CERTIFICATE OF CORRECTIONS BRANCH  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate  
of Correction**  
JUL 26 2006

Dear Sir:

Transmitted herewith is a Certificate of Correction for United States Patent 7,016,409 issued March 21, 2006. Upon reviewing the patent, the following error was noted and should be corrected as follows:

Claim 1 should be amended at column 14, lines 3-4 to read:

determining a fill level of a first-in-first-out (FIFO) device through  
which the encoded signal is received at the first bit rate;

The attached Certificate of Correction sets forth this correction.

07/25/2006 LWONDIM1 00000013 061135 7016409

01 FC:1811 100.00 DA

2006

### REMARKS

A review of issued U.S. Patent No. 7,016,409 confirms that a typographical error was made by Applicant inadvertently leaving the verb out of a limitation of claim 1. It is clear when reading claim 1 that there is a grammatical error in claim 1. This typographical error was an inadvertent error and overlooked by both the Applicant and the Examiner. The correction to claim 1 does not add any new matter, does not alter the scope of the claim or require reexamination as the language has already been examined and deemed allowable. The amendment to claim 1 recites language substantially the same as the language issued in claim 16 reciting "wherein the FIFO device receives the source data as encoded by the dynamic bit rate encoder". Therefore, the amended language has already been examined and deemed allowable by the Examiner, and thus, no reexamination is needed. Because this typographical error for which a Certificate of Correction is requested was a result of the Applicant's mistake, an authorization to charge Deposit Account 06-1135 the fee under 37 C.F.R. §1.20(a) accompanies this request. Please charge any deficiency or overpayment in fees to Deposit Account 06-1135.

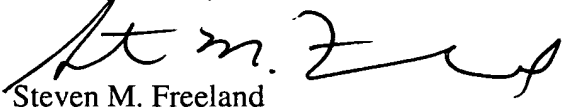
### CONCLUSION

Applicant respectfully submits that the above amendments and remarks demonstrate that the requested correction is based on an inadvertent error made in good faith and that no new issues are raised by the request that would require reexamination. Therefore, Applicant requests the Certificate of Correction be issued.

Date:

7-20-06

Respectfully submitted,  
FITCH, EVEN, TABIN & FLANNERY

  
Steven M. Freeland  
Reg. No. 42,555

Address all correspondence to:  
FITCH, EVEN, TABIN & FLANNERY  
Thomas F. Lebens  
120 South LaSalle Street, Suite 1600  
Chicago, IL 60603-3406

**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

PATENT NO. : 7,016,409  
APPLICATION NO.: 10/712,696  
DATED : March 21, 2006  
INVENTOR(S) : Unger

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

**CLAIMS:**

Claim 1, col. 14, line 4 after "encoded signal" insert --is received--.

MAILING ADDRESS OF SENDER:  
Mr. Thomas F. Lebens  
FITCH, EVEN, TABIN & FLANNERY  
120 South LaSalle Street, Suite 1600  
Chicago, IL 60603-3406

PATENT NO: 7,016,409

No. of additional copies:

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application for to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.